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EXAMINER

BELLA, MATTHEW C

ART UNIT	PAPER NUMBER
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2674

DATE MAILED: 04/22/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

2674

Office Action Summary

Application No.

02/818,245

Applicant(s)

Ogino, et al

Examiner

Maub Zell

Group Art Unit

2674

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Response

A SHORTENED STATUTORY PERIOD FOR RESPONSE IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a response be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for response specified above is less than thirty (30) days, a response within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for response is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to respond within the set or extended period for response will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☒ Responsive to communication(s) filed on April 11, 2002.
- ☒ This action is FINAL.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 58-61 and 69-76 is/are pending in the application.
- Of the above claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 58-61 and 69-76 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
 - ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
 - ☐ received in Application No. (Series Code/Serial Number) _____.
 - ☐ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

*Certified copies not received: _____

Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☐ Interview Summary, PTO-413
- ☐ Notice of References Cited, PTO-892
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Other _____

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DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed April 11, 2002 have been fully considered but they are not persuasive.

Applicant states the Saito patent teaches the picture quality mode (designation data) is used to indicate to the playback apparatus the data expansion mode to be used with the image data for the picture quality mode. The patent thus fails to teach or suggest that the designation data is used to select an image data of the plurality of stored data as standard data, nor can it teach or suggest that such standard image data is used to generate a control value which is used to process the plurality image data.

In reply, the examiner notes the claims recite "designation data which selects image data as standard image data". The examiner suggest clarifying what the standard image data is and what the designation data is. The examiner is broadly interpreting these two terms and can not distinguish the difference between them. As best understood by the examiner, Saito teaches the picture quality mode (designation data) is used to specify a data compression system employed by the image processor 22. The data compression specified corresponds to the standard image data.

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Claim Rejections - 35 USC § 112

2. Claims 61, 71, 74, and 76 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 61 and 71 recites "as a image data on the basis of which a control value for processing the plurality of image data is generated" is in indefinite because it is not clear whether the image data is corresponds to a control value or if a control value is used on the designating device.

Claims 74 and 76 depend from indefinite anticidate claims.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371[®] of this title before the invention thereof by the applicant for patent.

4. Claims 58-60 and 69-71 are rejected under 35 U.S.C. 102(e) as being anticipated by Saito (5,153,729).

As to claim 58 representative of claim 69, Saito teaches a digital electronic still camera for transferring color images (i.e, plurality of images) to a detachable memory cartridge (col.

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1, lines 10-15 and col. 2, lines 45-64), the detachable memory stores a picture quality mode (designation data) of a specified compression used (compressed data corresponds to standard image data), comprising:

a detecting device for detecting a standard image of a plurality of image data, on the basis of designation data recorded on the recording medium (col. 4, lines 37-51, a playback apparatus plays back image data (i.e., image data being standard image data of a plurality of image data) loaded on the detachable memory cartridge based on a picture quality mode (i.e., designation data));

a control device for generating a control value for processing the plurality of image data, on the basis of the standard image data detected by the detecting device, and processing the plurality of image data by using the control value (col. 4, lines 45-51 and col. 5, lines 44-50, the playback apparatus checks the picture quality mode so as to determine a data expansion system suitable for the picture quality mode (the data expansion is a control value used for processing the plurality of image data).

As to claim 59-60 and 70-71, Saito does not disclose displaying a standard image. To display a standard image is well known in the art in order review the image being processed (Official Notice). It would have been obvious to one of ordinary skill in the art to use a display because displays are well known in the art to review an image.

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Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 73 and 75 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saito (5,153,729) in view of Suzuki et al. (5,283,632).

Saito teaches generating a control value for processing the plurality of image data, on the basis of the standard image data detected by the detecting device, and processing the plurality of image data by using the control value (col. 4, lines 45-51 and col. 5, lines 44-50, the playback apparatus checks the picture quality mode so as to determine a data expansion system suitable for the picture quality mode). Saito does not teach the control value is a white balance control value. Suzuki teaches a white balance adjusting for a pick up element to correct for variations in illumination conditions (col. 3, lines 23-37). Suzuki further teaches a detecting device (i.e., designating device, fig. 4) for detecting a standard image, based on image data of plurality image data, on the basis of control data (i.e., designated data) recorded on the frame memory (i.e., recording medium) (col. 4, lines 55-63 and col. 26, lines 38-46, a memory storing white balance control voltages); a designated image recording device for recording a designating data for designating the standard image data (col. 4, lines 55-63, a

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memory storing white balance control voltages), obtaining means for processing the standard image data detected by the detecting means to obtain a control value for white balance (col. 4, lines 40-49), and a control device for white control by using the obtained control value when the image data is processed (fig. 4, elements 11 and 14).

It would have been obvious to one of ordinary skill in the art for Saito to use white balance control to correct for variations in illumination.

(The examiner suggest clarifying within the body of the claim, how the control data controls the detecting device for white balance in relation with the detachable memory.)

7. Claims 61, 72, 74, and 76 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki et al. (5,283,632) in view of Saito (5,153,729).

As to claim 61 representative of claim 72, 74 and 76, Suzuki teaches a white balance adjusting circuit, comprising:

a detecting device (i.e., designating device, fig. 4) for designating image data of the plurality of image data, to be recorded on the recording medium (i.e., frame memory), as standard image data on the basis of which control value for processing the plurality of image data is generated (col. 4, lines 40-45 teach generating a control signal for white balance adjustment by using a signal output from an image pickup element, col. 26, lines 38-46, a memory storing white balance control voltages);

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a designated image recording device for recording a designating data for selecting the image data (col. 4, lines 55-63 and col. 26, lines 38-46, a memory storing white balance control voltages).

Suzuki does not disclose using a detachable memory. Saito teaches a digital electronic still camera with a detachable memory cartridge (col. 1, lines 10-15 and col. 2, lines 45-64). The detachable memory transfers control data stored in an external memory to the memory of a controller (col. 3, lines 56-66 and col. 5, lines 55-63). Saito uses a memory card to increase storage capacity. It would have been obvious to one of ordinary skill in the art for Suzuki to use a detachable memory to increase the storage capacity.

Allowable Subject Matter

8. Claims 7, 3, and 4 are allowable over the prior art of record.
9. The following is an Examiner's statement of reasons for the indication of allowable subject matter:

Control information is copied from second memory means to the first memory means when the second memory means is removed from the apparatus. When third memory means is attached to the apparatus, control information copied from second memory means to first memory means is copied from first memory means to third memory means, in combination with other limitations of claim is not shown or suggested by the prior art.

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10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew C. Bella, whose telephone number is (703) 308-6829. The examiner can normally be reached on Monday-Thursday from 8:00 AM to 5:30 PM. The examiner can also be reached on alternate Fridays. The fax number for this Group is (703) 306-5406.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-4700.

MCB
April 20, 2002


Matthew C. Bella
Primary Examiner